



## Transitional Duty Policy

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### 1.0 POLICY

It is the policy of Lee County to effectively manage workers compensation losses and invoke cost containment measures for workers compensation claims while maintaining the working status of our employees.

The aim of this program is to provide employment after the onset of a work related injury, accident, or illness; allowing for reasonable accommodations and/or alternative positions within the county based upon any restrictions established by the Authorized Medical Provider. Transitional duty is a temporary accommodation. The Transitional Duty Program also fosters compliance with the American's With Disabilities Act and associated guidelines through a partnership including the disabled employees, medical providers and risk management working toward the common goal of expediting the employees return to physical and psychological well-being.

Our goal is to return all employees if possible to their original employment classifications within the timeframe of the program. If the injured worker is not able to return to his/her original position, an alternative assignment may be pursued.

### 2.0 DEFINITIONS

- 2.1 Transitional Duty:** A temporary work assignment designed to meet the employee's physical work restrictions during a period of recovery from a work-related injury or work related illness. The assignment may or may not be in the employee's regular department. This goal of the temporary work assignment is to progress an employee back into a permanent position. The goal is to return the injured employee to his/ her regular full-duty job as soon as medically approved and allow the employee to remain gainfully employed during the recovery period
- 2.2 Temporary Period of Work Restriction:** A work restriction that is anticipated to last no longer than ninety (90) calendar days.

**2.3 Return to Work Process:** When the treating physician releases an injured employee to return to work, there are three possible scenarios. The physician will be asked to make determination as to the employee's "Maximum Medical Improvement", a term which signifies the point at which no substantial further medical improvement is expected. The physician will also be asked to make an evaluation of the employee's ability to return to work on the basis of the employee's current job description.

The three possible scenarios are as follows:

- 1. Employee has reached maximum medical improvement and can return to the same job.** The county will place the employee in his/her original position or one of like seniority, status and pay, held prior to the workers compensation leave.
- 2. Employee has not reached maximum medical improvement but is ready to return to limited work duty with the approval of the treating physician.** The county will provide a modified work assignment or a transitional work assignment suitable to the employee's capacity. The work assignment will be temporary and will not normally exceed ninety (90) days. When the employee reaches maximum medical improvement, the employee will return to his/her original position or one of like seniority, status and pay held prior to workers compensation leave.
- 3. Employee has reached maximum medical improvement with a disability that prevents the employee from returning to his/her original position.** The county will attempt to place the employee in another position suitable to the employee's capacity. This work placement may be a permanent assignment or a part-time or temporary assignment until a permanent assignment is found.

If a position is not available for work placement, the county shall appoint the employee to fill the first suitable vacancy that occurs. During the interim period, if a suitable vacancy is not available, the employee shall be referred for possible return to work in another agency. Work placement efforts will continue for a period not to exceed nine (9) months.

In some cases the extent of disability may require vocational rehabilitation. If so, risk management will make the necessary arrangements for evaluation and to provide training necessary to assist the employee in obtaining suitable employment consistent with his/her performance capabilities.

### **3.0 PROCEDURE / RULE**

#### **3.1 General Provisions**

- A.** The injured employee will be advised that Lee County has established a Transitional Duty Program. The Authorized Medical Provider, if not aware, should be provided with the job description and the Transitional Duty Policy. The supervisor and risk management will maintain contact with the injured employee to ensure good communication and positive reinforcement. An emphasis should be made of the temporary aspect as well as the dynamic nature of the position and review the employee's progress at regular intervals.
- B.** The immediate supervisor, working with the employee and risk management will identify assignments that may be accomplished while the injured employee has restrictions. In constructing a Transitional Duty assignment, the following will be considered:
  - 1.** The focus is on the employee's current skills rather than the task he/she cannot perform.
  - 2.** Task selection should include tasks not being done by others at the present time, jobs that are only done occasionally, tasks not being performed that, if assigned to someone on transitional duty, would allow co-workers time to accomplish additional work assignments.
  - 3.** Whenever possible, the injured employee should perform components of the original job or some other targeted job within his/her current physical abilities and restrictions as listed by the medical provider.
- C.** All injured employees in the Transitional Duty Program will comply with all personnel policies, procedures, and safe work practices. Employees are required to follow all injury reporting policies and procedures.
- D.** Procedures to follow when returning an injured employee back to work through the Transitional Duty Program.
  - 1.** The injured employee may go only to an approved medical care provider for medical treatment. The employee may not select another doctor or specialist on their own. Additional, necessary medical care will be coordinated by risk management.

2. The injured employee must comply with all doctors' orders and medical advice with regard to the injury or illness including, but not limited to; adhering to any restrictions that doctor has imposed, taking medication as prescribed, actively participating in physical therapy or any other treatment modality ordered by the doctor and actively participating in their own recovery. Adverse reactions to treatment or medication should be reported to the doctor immediately.
  3. The injured employee must follow all doctor's orders and/or restrictions during the recovery period, both at home and at work.
  4. The employee must attend all follow-up doctor visits and/or rehabilitation visits on time and provide any additional information the doctor or specialist may have requested (x-rays, CAT scans, MRI's, etc.). Missing a doctor appointment or failure to provide the information the doctor needs can jeopardize the employee's recovery as well as their workers compensation claim. If the employee cannot make a doctor's appointment, the employee is required to notify the medical care provider and risk management prior to missing the appointment.
  5. The injured employee shall advise their supervisor of any follow-up medical appointments that require him/her to be out of the office and to provide the supervisor with the medical progress report or doctor's note immediately upon return to work.
  6. Employee must provide their supervisors and risk management with documentation from the treating physician releasing them to return to work and noting any work restrictions.
  7. Risk management and the employee's supervisor will utilize transitional or modified work assignments to accommodate the employees work assignment.
  8. The employee shall report to and fulfill the transitional work assignment.
  9. The employee shall cooperate and actively participate in the ~~County's~~ Transitional Duty Program; reporting to work on time and completing the work assigned in a timely manner.
  10. An employee who refuses to comply with the Transitional Duty Policy may jeopardize his/her rights to further benefits.
- E. The employee will be paid at his/her normal rate of pay for the hours worked while participating in the Transitional Duty Program.

- F. If an employee refuses to participate in the Transitional Duty Program, the Risk Management Specialist will follow up with the employee to determine his/her reasons for not participating. After determining the reasons, the WC Insurance Carrier may be notified of the employee's refusal to participate and Worker's Compensation benefits may be terminated.
- G. County insurance benefits will continue during the period the employee is involved in the Transitional Duty Program and on active pay status.

### **3.2 Departmental Provisions**

- A. The duration of each Transitional Duty Program assignment is based on medical needs. Continuation of individual programs will require on-going documentation of medical necessity. All participants will have their case reviewed by Risk Management on an as needed basis. If a physical/occupational therapist is involved, the case will be reviewed weekly.
- B. All Transitional Duty Program assignments will have a maximum duration of ninety (90) calendar days. The program period will begin with the date of release to limited or restricted work established by the authorized medical provider and will end upon the removal of the restrictions or at the end of the ninety (90) day calendar period, whichever occurs first unless extended.
- C. An employee who misuses this benefit by not following specified procedures, falsifying records, or the like, is subject to discipline, up to and including discharge from the Transitional Duty Program and may be subject to further disciplinary action in accordance with the County Personnel Policy.
- D. Exit Closure Criteria: The Transitional Duty Program may be closed if the employee no longer meets the necessary requirements (medical instability, lack of progress, etc). The Transitional Duty Program may also be closed if employer is no longer able meet accommodations. The Transitional Duty assignment may be extended beyond ninety calendar days depending upon the circumstances of individual cases as determined by risk management.
- E. Extensions beyond the ninety (90) calendar day timeframe will be handled on an individual basis. Extensions will be given based upon medical necessity, released by the medical provider, and eligibility determined by risk management.

### **4.0 APPENDIX / APPENDICES**

None.